

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

DEMETRIUS MELTON

§

VS.

§

CIVIL ACTION NO. 1:07cv89

FRANCISCO QUNITANA

§

MEMORANDUM ORDER OVERRULING OBJECTIONS AND ADOPTING
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Demetrius Melton, an inmate confined at the Federal Correctional Institute at Beaumont, Texas, proceeding *pro se*, filed the above-styled petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

The court previously referred this matter to the Honorable Earl S. Hines, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable orders of this court. The magistrate judge has submitted a Report and Recommendation recommending the petition be denied.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the records, pleadings and all available evidence. Petitioner filed objections to the Report and Recommendation. The court must therefore conduct a *de novo* review of the objections.

Petitioner complains that he has been deemed ineligible to participate in the Residential Drug Program. However, in light of the recent decision in *Richardson v. Joslin*, ___ F. 3d ___, 2007 WL 2729445 (5th Cir. Sept. 20, 2007), petitioner had no liberty interest in being able to participate in the program. As a result, the magistrate judge correctly concluded this petition is without merit.

ORDER

Accordingly, petitioner's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is

ADOPTED. A final judgment shall be entered denying the petition.

SIGNED this the **30** day of **October, 2007**.

A handwritten signature in black ink, appearing to read "Thad Heartfield", written over a horizontal line.

Thad Heartfield
United States District Judge